

IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 4/11/2018

BOARD MEMBERS PRESENT: Jay T Hill - Chair
Richard B Davies
Larry L Simms

BOARD MEMBERS ABSENT: Thomas E Coates
Ben Estes

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Admin. Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Cesley Metcalfe, Technical Records Specialist
Skip Liddle, Investigator

OTHERS PRESENT: Rick Harris, Double H Gas
Joel Emerson, Clearwater Propane and Rocky
Mountain Propane Association (RMPA)
Director
Tom Daniels, Valley Wide Co-op and Rocky
Mountain Propane Association (RMPA)
Director

The meeting was called to order at 10:00 AM MDT by Jay T Hill.

APPROVAL OF MINUTES

Mr. Simms made a motion to approve the minutes of February 14, 2018. It was seconded by Mr. Davies. Motion carried.

RETIRING BOARD MEMBER

Ms. Cory informed the Board that Mr. Coates is retiring from the Board and stated that anyone interested in filling the position should contact the Governor's Office.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadline to submit proposed law changes to the Governor's Office is mid-July 2018 and the deadline to submit proposed rule changes to the Governor's Office is mid-August 2018 for the 2019 Legislative Session.

Ms. Cory and Mr. Ellsworth updated the Board on the status of legislation from the 2018 Session.

Senate Bill 1316 was introduced in the Senate on February 19. Some designated Board members met with Senators Burgoyne and Den Hartog on February 26 and the Senators said they would like to see comments or proposed amendments. Suggested amendments/comments were provided to them on February 27. Some of the proposed amendments were put into the bill and it passed the Senate on March 12 and the House on March 21. The Governor allowed the bill to become law without his signature, effective July 1.

House Bill 623 passed the House March 6 by a vote of 47-23 and was sent to the Senate. Designated members of Boards served by the Bureau were contacted and reviewed the bill. A letter expressing concerns about House Bill 623 was prepared and signed by 28 of the designated Board members. It was addressed and delivered to Senator Patti Ann Lodge, Chair of the Senate Judiciary and Rules Committee, on March 12. Copies have been sent to all Board members by email.

HISTORICAL REGULATION BACKGROUND

Mr. Hill provided a historical background of the regulation of the liquefied petroleum gas (LPG) industry. Prior to the creation of the self-governing Liquefied Petroleum Gas Safety Board, which was formed in 2005, the industry was regulated by the Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board. Members of the LPG community felt their safety concerns were not represented at the HVAC meetings and petitioned the Legislature to create a separate board for the protection of the public.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$154,951.56 as of March 31, 2018.

INVESTIGATIVE REPORT

Ms. Peel introduced Bureau Inspector, Mr. Liddle, and then gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Davies made a motion to approve the Bureau's recommendation and authorize closure with warning letters in cases LPG-2018-8 and LPG-2018-9. It was seconded by Mr. Simms. Motion carried.

VOLUNARY SURRENDER AND COLLECTIONS PROCESSES

Ms. Peel explained the process for voluntary surrender of a license by a licensee, and the collections process for unpaid disciplinary fines and investigative costs.

BOARD MEMBER TRAINING

The Board decided to postpone training until new members are present.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

FACILITY APPLICATION REVIEW

The Board reviewed the current facility application for clarity and added the item to the next agenda for further discussion.

EXECUTIVE ORDER

The Board reviewed a rough draft of the Executive Order response and directed Ms. Eavenson and the Board specialist to work with Mr. Hill to prepare the final draft for review and final approval at the May 1 meeting.

PUBLIC COMMENT

The Board heard comments from Mr. Emerson, Mr. Danes and Mr. Harris regarding the need for legislation that would prevent a company from filling gas tanks that it does not own. It was stated that this presents a safety hazard to the public because a company may not know the history of the tank or properly communicate its actions with a tank it does not own. A case was referenced from Eastern Idaho in 2013 when a propane tank exploded, heavily damaging a home and sending three people to the hospital. Mr. Emerson was seeking support from the Board for legislation. Board members and Ms. Cory urged Mr. Emerson to speak with local legislators about possible legislation to address public safety concerns.

Mr. Harris asked the Board if it is a legal entity. He stated that he is being assessed and taxed exorbitant amounts for the gas tanks on his property. Mr. Ellsworth directed Mr. Harris to Idaho Code § 54-5309 that established the Board in 2005 but also suggested he check the Idaho Tax Commission's definition of a vessel to see if his tanks fall within its parameters.

CORRESPONDENCE

The Board reviewed an email from Richard Fredenburg regarding a proposed change to the LP-Gas Code that would require bulk plant inspections every five years. No action was taken.

EXECUTIVE SESSION

Mr. Simms made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Davies. The vote was: Mr. Hill, aye; Mr. Davies, aye; and Mr. Simms, aye. Motion carried.

Mr. Simms made a motion to come out of executive session. It was seconded by Mr. Davies. The vote was: Mr. Hill, aye; Mr. Davies, aye; and Mr. Simms, aye. Motion carried.

APPLICATIONS

Mr. Simms made a motion to approve Tates Rents, Inc., PDFA-1325, for licensure. It was seconded by Mr. Davies. Motion carried.

Mr. Simms made a motion to approve 901154649 and 901158210 pending receipt of additional information and review by the Board Chair. It was seconded by Mr. Davies. Motion carried.

NEXT MEETING was scheduled for May 1, 2018 at 9:00 AM.

ADJOURNMENT

Mr. Davies made a motion to adjourn the meeting at 12:23. It was seconded by Mr. Simms. Motion carried.

Jay T Hill, Chair

Thomas E Coates

Richard B Davies

Ben Estes

Larry L Simms

Tana Cory, Bureau Chief